

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

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MidFirst Bank



Order Filed on May 30, 2019
by Clerk
U.S. Bankruptcy Court
District of New Jersey

In Re:

Joseph W. Bendy III, Shannon Driber-Bendy,

Debtors.

Case No.: 16-16726 CMG

Adv. No.:

Hearing Date: 5/15/19 @ 9:00 a.m.

Judge: Christine M. Gravelle

**ORDER CURING POST-PETITION ARREARS AND RESOLVING SECURED
CREDITOR'S MOTION FOR RELIEF FROM STAY**

The relief set forth on the following pages, numbered two (2) through three (3) is hereby
ORDERED.

DATED: May 30, 2019



Honorable Christine M. Gravelle
United States Bankruptcy Judge

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Debtors: Joseph W. Bendy III, Shannon Driber-Bendy

Case No: 16-16726 CMG

Caption of Order: ORDER CURING POST-PETITION ARREARS AND RESOLVING SECURED CREDITOR'S MOTION FOR RELIEF

This matter having been brought before the Court by KML Law Group, P.C., attorneys for Secured Creditor, MidFirst Bank, Denise Carlon, Esq. appearing, upon a motion to vacate the automatic stay as to real property located at 5 Bayleaf Drive, Lumberton, NJ 08048, and it appearing that notice of said motion was properly served upon all parties concerned, and this Court having considered the representations of attorneys for Secured Creditor and Moshe Rothenberg, Esq., attorney for Debtors, and for good cause having been shown

It is **ORDERED, ADJUDGED and DECREED** that as of May 7, 2019 Debtors are in arrears outside of the Chapter 13 Plan to Secured Creditor for payments due October 2018 through May 2019 for a total post-petition default of \$11,360.21 (3 @ \$1,408.11, 5 @ \$1,452.80, less suspense \$128.12); and

It is further **ORDERED, ADJUDGED and DECREED** that the Debtor will make an immediate payment of \$2,000.00 by May 31, 2019; and

It is further **ORDERED, ADJUDGED and DECREED** that the balance of the arrears in the amount of \$9,360.21 shall be added to the affidavit of amount due and paid through Debtors' Chapter 13 plan; and

It is further **ORDERED, ADJUDGED and DECREED** that debtors shall file a modified plan within twenty days of this order; and

It is further **ORDERED, ADJUDGED and DECREED** that regular mortgage payments are to resume June 1, 2019, directly to Secured Creditor, Shellpoint Mortgage Servicing, P.O. Box 10826, Greenville, SC 29603-0826 (Note: the amount of the monthly mortgage payment is subject to change according to the terms of the note and mortgage); and

It is further **ORDERED, ADJUDGED and DECREED** that for the Duration of Debtor's Chapter 13 bankruptcy proceeding, if the lump sum payment or any regular monthly mortgage payments are not made within thirty (30) days of the date said payment is due, Secured Creditor may obtain an Order Vacating Automatic Stay as to Real Property by submitting a Certification of Default to the Court indicating such payment is more than thirty days late, and Debtors shall have fourteen days to respond; and

It is further **ORDERED, ADJUDGED and DECREED** that a copy of any such application, supporting certification, and proposed Order must be served on the Trustee, Debtor, and Debtor's counsel at the time of submission to the Court; and

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Debtors: Joseph W. Bendy III, Shannon Driber-Bendy

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It is further **ORDERED, ADJUDGED and DECREED** that Secured Creditor is hereby awarded reimbursement of fees and costs in the sum of \$350.00 for attorneys' fees and \$181.00 for filing fees, totaling \$531.00, which is to be paid through Debtor's Chapter 13 plan;

It is further **ORDERED, ADJUDGED and DECREED** that Secured Creditor's Motion for Relief is hereby resolved.